

REMARKS

Claims 1-42 are pending. Claim 34 appears to have been omitted from the Groups listed on page 2 of the Restriction Requirement. Applicants request clarification.

Response to Restriction Requirement

In response to the restriction requirement (page 2 of Office Action), Applicants elect Group II (claims 2-15, 18-25, and 32) with traverse.

In response to the restriction requirement (page 3 of Office Action, first full paragraph), Applicants elect SEQ ID No: 1 and variants or portions thereof according to claim 3, with traverse.

In response to the election of species requirement (page 3 of Office Action, first full paragraph, final sentence, “applicant is required to elect a single gene for examination”), Applicants elect sacC according to claim 4, with traverse.

The basis for the traversal is that the restriction requirement is improper. The Examiner has applied an incorrect standard for restriction. This application is a national phase entry under 35 USC 371 and is therefore required by treaty to be examined according to the “unity of invention” standard. See MPEP 1893.03, which states that

Once the national stage application has been taken up by the examiner, prosecution proceeds in the same manner as for a domestic application with the exceptions that:
(A) the international filing date is the date to keep in mind when searching the prior art; and
(B) unity of invention proceeds as under 37 CFR 1.475.

See also MPEP 1893.03(d). As the restriction requirement is improper, Applicants respectfully request withdrawal of the restriction requirement. In addition, Applicants respectfully request that at least Groups II and IV from page 2 of the Office Action be rejoined.

Change in Correspondence Address

Applicants filed a Revocation and Grant of Power of Attorney including a change in attorney docket number and correspondence address on October 3, 2006

CONCLUSION

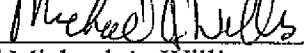
Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the restriction/election of species requirement and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **50-3732**, Order No. 13566.105008. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **50-3732**, Order No. 13566.105008.

Respectfully submitted,
King & Spalding, LLP

Dated: October 16, 2006

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